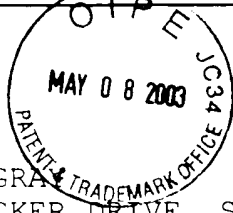




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ALTHEIMER & GRAY
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OFFICE OF PETITIONS

| | |
|---------------------------------|-------------------------------|
| In re Application of | : DECISION NOTING JOINDER OF |
| Kovesdi and Rajasekharan | : INVENTOR AND PETITION UNDER |
| Application No. 10/035,952 | : 37 CFR 1.47(a) MOOT |
| Filed: 26 December, 2001 | : AND DECISION GRANTING |
| Attorney Docket No. 66566.01US2 | : PETITION UNDER 37 CFR 1.182 |

This is a decision on the renewed petition under 37 CFR 1.47(a) and 1.182 filed on 23 August, 2002.

The petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The petition under 37 CFR 1.182 is GRANTED.

Papers filed on 23 August, 2002, in response to the Decision Under 37 CFR 1.47(a) and 1.182 mailed on 16 August, 2002, included a Declaration signed by the previously non-signing inventor, Rajasekharan, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

Petitioners should note that the order of inventors' names was established by the declaration filed on 13 May, 2002.

The declaration under 37 CFR 1.63 filed on 13 May, 2002, naming Rosza Kovesdi and Ajit Rajasekharan as joint inventors was signed by joint inventor Kovesdi and gave power of attorney to, *inter alia*, Robert E. Browne (Browne et al.) Of Altheimer & Gray, 10 South Wacker Drive, Suite 4000, Chicago, IL 60606-7482, as the correspondence address of record.

Petitioner Ajit Rahasekharan by way of Trevor Q. Coddington, Rodger L. Tate, Anthony W. Shaw, Cono A. Carrano, Laurence H. Posorske, Robert A. King, and Craig L. Puckett (Coddington et al.) of Brobeck, Phleger & Harrison LLP, 1333 H Street, NW, Suite 800, Washington, DC 20005, assert that a dispute has arisen between Rajasekharan and Kovesdi and seeks to require that all

correspondence filed in this application be signed by representatives of both joint inventors.

In accordance with MPEP 402.10, to assure that all interests are properly and effectively represented, **all further correspondence to the U.S. Patent and Trademark Office (USPTO) must be signed by petitioner's representative (Coddington et al.) as named in the declaration and power of attorney submitted on 23 August, 2002, and likewise signed by Browne et al. who remain Kovesdi's representative. Each attorney signing subsequent papers must indicate whom he or she represents.**

All parties are reminded that dual correspondence is not permitted and will not be undertaken by the USPTO.

The USPTO will continue to conduct correspondence with the attorneys first named in the application, i.e., Browne et al., at the correspondence address of record noted above, who will also be responsible for coordinating replies or submissions to the USPTO.¹

It is noted that, notwithstanding this decision, the inventors may still **jointly** appoint or revoke a power of attorney.

The application is being forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Brobeck, Phleger & Harrison LLP
Intellectual Property Department
1333 H Street, N.W., Suite 800
Washington, D.C. 20005

¹See MPEP 402.10.